

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COUNTY OF NEWPORT

At a meeting of the Town Council of the Town of Tiverton, County and State aforesaid, held at the Tiverton Town Hall on the 14th day of July 2008 A.D. at 7:00 p.m.

President Durfee opened the meeting with the Pledge of Allegiance to the Flag.

Roll Call:

Joanne M. Arruda - Absent
Donald Bollin
Paul E. Carroll
Hannibal F. Costa

Louise Durfee
Jay Edwards
Brian A. Medeiros

Town Administrator, James C. Goncalo
Town Solicitor, Andrew M. Teitz were also present.

Approval of Consent Agenda:

All items listed with (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

Councilor Bollin at this time read the items on the Consent Agenda for approval.

Councilors Edwards and Durfee requested the removal of item A-3-b from the Consent Agenda. Councilor Medeiros requested the removal of item A-5 listed under correspondence-receive and file. Councilor Medeiros seconded by Councilor Edwards motioned to approve the remaining items on the Consent Agenda.
Motion passed unanimously.

The Consent Agenda was as follows:

CONSENT AGENDA

Approval of Minutes of Previous Meetings.

- a. Approval of Minutes Workshop/ Special Meeting January 22, 2008
- b. Approval of Executive Session Minutes January 22, 2008
- c. Approval of Minutes Workshop on February 7, 2008

Receipt of Minutes from Various Board and Commissions:

Receipt of Minutes from the Following Boards, Commissions

- a. Harbor and Coastal Water Commission
- b. Charter Review Commission (2)
- c. Prevention Coalition
- d. Library Board of Trustees
- e. Wastewater Management Commission

Correspondence

CORRESPONDENCE - RECEIVE AND FILE

Received from City of Warwick Regarding Ten Year Plan to End Homelessness

Received from Rhode Island Dept of Health Regarding Governor's Award for Wellness Innovation

Approval of Tax Assessor Abatements

Received from Rhode Island League of Cities and Towns Regarding REAP Authorization to Act as Agent

Councilor Edwards, item requires a Council vote to authorize. Councilor Edwards motioned to authorize the Rhode Island League of Cities and Towns to act on behalf of the Town of Tiverton in the following manners:

1. Negotiating an energy supply contract on behalf of the Council; and
2. Act as agent for Council for signing of contract.

Seconded by Councilor Medeiros the motion passed unanimously.

Written Response to Council on Wind Power from Chris Spencer - Continued from July 14th Meeting

Councilor Medeiros thanked Town Planner Christopher Spencer for his response on the options for Utilization of Wind Power and asked this item be continued to the first meeting in August to pursue forming a study group.

PUBLIC HEARINGS

PUBLIC HEARINGS - ADVERTISED

Evelyn's Drive In, 2325 Main Road – Request Noise Ordinance Variance for September 6,7 and 8, 2008 between 11:30 a.m. and 9:00 p.m. – Subject to Meeting All Legal Requirements – Fundraiser “Singing Out Against Hunger”

Jane Bitto, owner of Evelyn's Drive In requested a Noise Ordinance Variance for a fundraiser “Singing Out Against Hunger”. Councilor Medeiros asked if this was the same as was approved last several years, response was yes. Councilor Costa asked where the funds raised would be distributed. Mrs. Bitto replied East Bay Community Action, a local program, supporting the local Tiverton and Little Compton food banks.

President Durfee asked for any other comments before closing the public hearing.

President Durfee noted she did receive some complaints last year on Sunday night regarding the noise and the decibels should be in the area of 75 decibels and reminded them to be mindful of the residents. Mrs. Bitto stated that the application said the decibel level would be 60-75, not to exceed 75 decibels.

Hearing no other comments, President Durfee closed the hearing. Councilor Edwards motioned to allow a noise ordinance variance not to exceed 75 decibels at the proposed location for September 6th, 7th and 8th, 2008, subject to meeting all legal requirements. Councilor Medeiros seconded the motion, which then passed unanimously.

Coastal Roasters, 1791 Main Road – Request noise Ordinance Variance for September 6th and 7th, 2008 between 8:00 a.m. to 1:00 p.m. – Subject to Meeting All Legal Requirements – Fundraiser “Singing Out Against Hunger”

Councilor Edwards recused himself from this item and left the Council table. President Durfee opened the Public Hearing for comments. President Durfee noted no complaints were received last year for the fundraiser at this location.

There being no comments President Durfee closed the Public Hearing. Councilor Carroll motioned to approve the request for a Noise Ordinance Variance for Coastal Roasters at the proposed location, subject to meeting all legal requirements. Councilor Costa seconded the motion, which then passed unanimously (5-0). At this time Councilor Edwards returned to the Council table.

Bourne Mills, LLC – Providence, RI - Request Approval of Stop Sign at North West Corner on Mill Street at the Intersection of Canonicus Street – Subject to Meeting All Legal Requirements

President Durfee opened the Public Hearing to comments. Police Chief Thomas Blakey stated he believed the stop sign to be necessary. DPW Director Steve Berlucchi stated the stop sign was for the development of the mill and supported it at the proposed location. No other comments. President Durfee closed the Public Hearing. Councilor Bollin motioned to approve the installation of the stop sign at Mill and Canonicus Street per Town Code, seconded by Councilor Medeiros the motion passed unanimously.

TLT, LLC, Harbor Ridge Subdivision – Request Parking Ban be Imposed on the South Side of Hayden Avenue From Utility Pole #3 to the Main Road – Subject to Meeting All Legal Requirements

President Durfee opened the Public Hearing on the request a Parking Ban be imposed on the South Side of Hayden Avenue from utility pole #3 to Main Road. Chief Blakey stated concerns with school buses and winter months, felt it should be contingent upon cutting back the embankment. Councilor Costa asked if residents had been contacted. Chris Spencer updated Council of resident's concerns at the first public hearing at planning regarding Hayden Avenue being too constrictive. Both Planning Board and residents came up with the idea of the parking ban. Councilor Medeiros asked about the urgency in imposing this ban. Chief Blakey stated there was no necessity to do this right away. Councilor Bollin suggested tabling this item until the development takes place.

President Durfee asked Rosemary Eva, Vice Chair of the Planning Board about this subdivision. Ms. Eva stated the plan was in the preliminary stage. Councilor Bollin motioned to continue this hearing until the last Council Meeting in October the 27th. Seconded by Councilor the motion passed unanimously.

Tiverton Conservation Commission – Request Ordinance Revision Chapter 66 - Section 55, Solid Waste Management, Dumping on Private and Public Property

President Durfee opened the Public Hearing on the proposed Ordinance Revision to Chapter 66- Section 55, Solid Waste Management, Dumping on Private and Public Property for comments. . Tom Ramotowski, Conservation Commission Chairman would like to see these large collection containers restricted to the landfill, just beyond the gate so people can walk to it due to problems with litter and illegal Unattractive to keeping Town clean becoming magnets for trash and not kept clean.

Councilor Costa asked for information regarding when and where problems occurred. Pat Sullivan, a member of the Conservation Commission stated dumping occurred on average two times per week. Chairman Ramotowski stated need for a policy as to where these containers should be placed.

Councilor Costa did not want to oppose charitable work, maybe issuing a permit for placement of the containers instead. Thought dumping discarded items were strong words. Councilor Bollin felt the language of the proposed ordinance needed restructuring. There are collection containers at the ball field for recycling; the distinction needs to be clarified. President Durfee proposed collection containers other than those used for recycling may be placed at the entrance to the landfill. Councilor Bollin felt by issuing permits there would be a better avenue for complaints. Illegal dumping is an issue and needs to be curtailed. Requested comments from the Recycling Committee. President Durfee read the proposed ordinance and the Town Solicitor approved the language as read.

Section 66-55. Dumping on private and public property.

No waste shall be dumped or left upon any private property, upon any road or highways or property of the town, other than the town landfill. (Code 1967, 12-18)

Amended by Council Resolution July 14, 2008

Collection Containers/Receptacles for the purpose of depositing discarded items shall be prohibited within the confines of the town, with the exception of the town landfill.

Charitable organizations may place collection receptacles only at the Town landfill. The maximum number of collection receptacles placed at the landfill by any one such organization shall not exceed two (2) in number. This section shall not apply to any recycling containers provided by the Town for use by its residents.

Being no further comments, President Durfee closed the public hearing. Councilor Bollin motioned to adopt the proposed ordinance change as proposed by President Durfee. Seconded by Councilor Edwards motion passed unanimously.

The Town Council was sitting as the Board of Licensing Commissioners:

BOARD OF LICENSING COMMISSIONERS AND PUBLIC HEARINGS:

Storti's Sunrise Café, Inc., 1148 Stafford Road – Request Approval of Victualling License – Subject to Meeting All Legal Requirements

Councilor Bollin motioned to approve, subject to meeting all legal requirements, a Victualling License to Storti's Sunrise Café, 1148 Stafford Road. Seconded by Councilor Costa and Councilor Edwards, the motion passed unanimously.

J.R.D., Inc., Kenneth R. Rezendes, Jr, 3 Sammy's Lane, Assonet, MA – Request Approval of Street Excavator's License – Subject to Meeting All Legal Requirements

Councilor Carroll motioned to approve a Street Excavator's License for J.R.D., Inc., Kenneth Rezendes, Jr., 3 Sammy's Lane, Assonet, MA, subject to meeting all legal requirements. Seconded by Councilor Medeiros the motion then passed unanimously.

J & A Landscaping – Revocation of Drain Layers License

Town Administrator Goncalo requested removal of this item as the matter has been settled. Councilor Carroll motioned to refer to the Solicitor for review, seconded by Councilor Medeiros. Solicitor Teitz said he had discussed the matter with the Administrator prior to this evening; however, will review again. Councilor Carroll withdrew his motion.

R. Barrette, d/b/a Capt Rick's Pics, 5 Wind Mill Rd – Request Approval for Peddler's and Hawker's Licenses - Subject to Meeting All Legal Requirements

Councilor Carroll motioned to approve, subject to meeting all legal requirements, a Peddler's License and a Hawker's License to R. Barrette, d/b/a Capt. Rick's Pics, 5 Wind Mill Rd. Seconded by Councilor Costa the motion passed unanimously.

APPOINTMENTS & RESIGNATIONS

UNFINISHED BUSINESS

FINANCIAL BUSINESS:

Town Administrator – Request Review and Approval of Wastewater Management Budget for 2008-09FY
DPW Director and Christopher Nearpass of WW Management Commission

Town Administrator Jim Goncalo presented the Wastewater Management Budget for 2008-09 FY for review and approval by the Council. Wastewater Management budget is based on collection of funds by sewer users. The Administrator pointed out that sewer payments to Fall River, if decreased would affect this line item. Councilor Edwards motioned to accept Wastewater Management Commission operating budget for current fiscal year as provided. Seconded by Councilor Medeiros the motion then passed unanimously.

Board of Canvassers – Request Authorization of Funds to Engage Legal Counsel

Chairman of the Board of Canvasser James Rego came before the Council requesting funds for legal counsel with regards to a letter of complaint received over the FTM. President Durfee stated Title 17 clearly does not apply to the Financial Town Meeting, the Council was not disposed to hire separate legal counsel. Councilor Carroll motioned not to authorize funds to engage legal counsel. Seconded by Councilor Medeiros the motion then passed unanimously.

NEW BUSINESS:

BIDS & REQUESTS FOR PROPOSALS

TOWN ADMINISTRATOR ANNOUNCEMENTS, COMMENTS AND QUESTIONS

1. Need for safety regarding any pools that have more than two feet of water. Must have 4foot barrier.
2. Large item pickup on Saturday, July 19th, call the DPW at 625-6760
3. Note of thanks to Chief Blakey who at his own expense had the pool table at the Senior Center repaired.
4. First quarter tax collection payments for June/July last year 7.5 million. Collected so far 8.36 million, 10 % greater than last year. Councilor Bollin noted the Town was not ahead, just keeping pace.
5. Update on the Sakonnet Bridge boat ramp- The State must construct as part of the environmental requirements, will take responsibility for maintenance of the ramp but do not have the resources for trash pickup, snow plowing. Will not happen for some time, should be discussed in the future.
6. Looking at State gaming proceeds in terms of the schools and what the Town can obtain from the proceeds.

PUBLIC ANNOUNCEMENTS:

COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

TOWN SOLICITOR, ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

CLOSED EXECUTIVE SESSION

Town Solicitor - Litigation – 42-46-5(a)(2)

A motion was made by Councilor Bollin to enter into Executive Session pursuant to 42-46-5(a)(2) – Litigation. Seconded by Councilor Medeiros the motion passed unanimously.

A motion was then made by Councilor Bollin to remain in Executive Session pursuant to - 42-46-5(a)(5) – Possible Disposition of Town Held Property. Seconded by Councilor Medeiros the motion passed unanimously.

A motion was then made by Councilor Bollin to further remain in Executive Session pursuant to – 42-46-5(a)(1) – Personnel– G. Steckman - Notice Given. Seconded by Councilor Medeiros the motion then passed unanimously.

The Council entered into Executive Session at approximately 8:10p.m.

The Council returned to Open Session at approximately 9:00 p.m.

OPEN SESSION:

Councilor Durfee announced action had been taken in Executive Session. Council had approved the hiring of Attorney Vernon Gordon to represent zoning in connection with the McInnis appeal.

Councilor Edwards motioned to seal the minutes of Executive Session, seconded by Councilor Carroll. Motion passed unanimously.

ADJOURNMENT:

Councilor Bollin motioned to adjourn, seconded by Councilor Carroll. Passed unanimously.

Council adjourned at approximately 9:05p.m.

A True Copy.

ATTEST: _____
Nancy L. Mello, Town Clerk